



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

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NRC SEEKS PUBLIC COMMENT ON USE OF ALTERNATIVE DISPUTE RESOLUTION IN ITS ENFORCEMENT PROGRAM

The Nuclear Regulatory Commission is seeking public comment on the development of a pilot program to evaluate the possible use of alternative dispute resolution (ADR) in its enforcement program.

ADR is defined as any procedure that is used to resolve issues in controversy. It can involve the use of a neutral third party to resolve conflicts that can include facilitated discussion, mediation, fact-finding, mini-trials and arbitration. The Environmental Protection Agency, the U.S. Navy and the Federal Energy Regulatory Commission are among those agencies that have used these techniques effectively. The NRC is considering using ADR in its enforcement program.

In considering the use of ADR in a pilot program yet to be designed, the NRC is seeking public comment on whether to use it at certain points in the enforcement process, such as: (1) following identification of wrongdoing or an allegation of discrimination, but prior to a full investigation; (2) following an investigation that substantiates the matter, but prior to an enforcement conference; (3) following the issuance of a Notice of Violation and proposed civil penalty, but prior to imposition of a civil penalty; and (4) following an imposition of civil penalty, but prior to a hearing on the matter.

The staff requests that comments be focused on issues related to the implementation of a pilot program to test the use of ADR at any of the four steps in the enforcement process, and include such factors as what techniques would be useful at each point, what pool of neutrals might be used, who should attend the ADR sessions, and what ground rules should apply. Also, the staff requests that comments be focused on the pros and cons of using ADR at points in the enforcement process and in maintaining safety, increasing public confidence, and maintaining the effectiveness of the enforcement program.

Written comments can be sent to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments may also be submitted to nrcrep@nrc.gov. All comments should be submitted within 60 days of publication of a Federal Register notice, expected shortly.

The NRC also plans to hold several public meetings and workshops between September 2 and October 14 in Hanford, Washington; Chicago, Illinois; San Diego, California; New Orleans, Louisiana; and Washington, D.C. on the possible use of ADR. Specific dates and meeting locations will be announced on the NRC's Office of Enforcement web site at:
<http://www.nrc.gov/what-we-do/regulatory/enforcement.html>.

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